

Rogers et al. v. U.S. Dept. of Health and Human Servs., et al.

Exhibit T

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and
Memorandum in Support Thereof**

Excerpts from Deposition of Brandy Welch

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Eden Rogers, et al.,
Plaintiffs,

vs.

United States Department of Health and Human
Services, et al.,

Defendant.

VIRTUAL

DEPOSITION OF: BRANDY WELCH

DATE: May 24, 2021

TIME: 9:04 a.m.

LOCATION: 11 Brendan Way
Suite 200
Greenville, South Carolina 29615

TAKEN BY: Counsel for Governor Henry McMaster

REPORTED BY: MICHELLE BAKER LEE,
Certified Court Reporter

1 agree that if that were the outcome, fewer homes would
2 be a bad thing?

3 A Yes.

4 Q In the Complaint which we've been talking
5 about a little bit, in the Complaint you have alleged
6 that Governor McMaster and the other Defendants
7 violated the Constitution, the United States
8 Constitution, by funding Miracle Hill's recruiting and
9 screening of only evangelical Christian foster
10 parents. I think at the time when you applied it was
11 evangelical Protestant Christian foster parents and I
12 think now it's a little bit broader than that. But is
13 that accurate that the violation -- the constitutional
14 violation that you've alleged is that in Miracle
15 Hill's recruiting and screening of foster parents
16 they're turning away, I think is the phrase that you
17 used in the Complaint, those who don't share their
18 evangelical Christian beliefs, right?

19 A Yep.

20 Q And the relief or the -- maybe that's a
21 legal term. The -- what you've asked the court for,
22 the outcome that you've asked the court for in your
23 lawsuit is for the court to order Governor McMaster,
24 Mike Leach at DSS, and the federal Defendants to stop
25 funding what you refer to as Miracle Hill's

1 discriminatory recruiting and screening practices,
2 right?

3 A Yes.

4 Q So if the -- if the Governor, DSS, and the
5 federal Defendants weren't doing that, right, if
6 Miracle Hill wasn't being reimbursed by the state or
7 the federal government for its recruiting and
8 screening practices then there wouldn't be a
9 constitutional violation anymore, right?

10 A Right.

11 Q You and Eden are friends with -- is it Lisa
12 and Cindy Bovee-Kemper; is that right?

13 A Yes.

14 Q I think Lisa is your pastor?

15 A Correct.

16 Q That's at the -- sometimes I get the -- I
17 know you guys call it UU by the initials, but it's the
18 Greenville Unitarian Universalist Church. Is that --

19 A That's correct.

20 Q And I apologize for that dinging noise in
21 the background. It's my e-mail prompts coming in.

22 Cindy and Lisa are -- my understanding from
23 talking to Eden are more than just, you know, pastor,
24 Lisa is more than just a pastor, but Lisa and Cindy it
25 sounds like to me are almost advisers or mentors or

1 confidants that you've talked to a lot sort of
2 extensively about their experience as foster parents
3 and your desire to become foster parents; is that
4 right?

5 A Yes.

6 Q About -- and you don't have to give me a
7 precise date, but give me a ballpark about what time
8 period have you talked to them? Is this something
9 that you've talked to the Bovee-Kempers about for
10 years?

11 A Yeah, I would say -- I would say probably
12 about a couple of years before we applied we started
13 talking to them about it.

14 Q Okay. Did -- and this is not a trick
15 question. This is just my memory. So, again, the
16 dates I don't think here are terribly relevant. But
17 my recollection from talking to Eden on Friday was --
18 did you-all start attending the Greenville Unitarian
19 Universalist Church in 2017 or was it --

20 A Maybe. Eden's way better at dates than I am
21 so --

22 Q Okay.

23 A -- that could be.

24 Q And I don't remember too precisely, either.
25 But -- and the reason I ask is it sounds like that

1 Q Is it like five or fewer?

2 A No, I'd say it's more than that.

3 Q Pretty regularly?

4 A Yeah, fairly regularly. Probably even more
5 than us together, but, I mean, we definitely all
6 talked together. And then Eden had the chance to talk
7 to them more because she was seeing them a lot more at
8 school.

9 Q Because she works at a school at the same
10 facility as the church?

11 A She did, yeah.

12 Q Okay. But there's no question that Lisa and
13 Cindy knew that you-all wanted to become foster
14 parents some day?

15 A Correct.

16 Q Did they -- did they know in, I guess we'll
17 say, kind of early 2019 up until like March-April
18 before you applied that you-all were right on the cusp
19 of taking that -- of this thing we've talked about for
20 so long, we're going to -- we're going to start the
21 ball rolling? Were they aware that you guys were
22 about to apply to become foster parents?

23 A Yes.

24 Q Okay. Did you know that kind of in that
25 same time period on Sunday, March 17, 2019 Cindy

1 Bovee-Kemper hosted and interest meeting at your
2 church, Greenville Unitarian Universalist, for people
3 who were interested in becoming foster parents through
4 Miracle Hill and who were either not Christians or in
5 a same-sex marriage and who wouldn't be able to work
6 with Miracle Hill; did you know about that?

7 A No, I didn't know about that.

8 Q Like in all those conversations and she knew
9 you were interested in becoming a foster parent and
10 knew you were about to apply and she knew that Miracle
11 Hill wouldn't work with Unitarian Universalists or
12 same-sex married couples and she didn't tell you about
13 it?

14 A No, she didn't.

15 Q You never got an e-mail about it or got --
16 heard anything about that?

17 A No, I did not know about it.

18 Q What all did you do to prepare for today's
19 deposition?

20 A We had a couple of calls last week with
21 Currey and Susan and our team just to go over like --
22 like prep for the deposition.

23 Q And Currey, that's Currey Cook, one of your
24 lawyers?

25 A Yes.

1 sue?

2 A I mean, we, like, just mutually talked about
3 it. I mean, it wasn't like her idea or my idea.
4 We -- it was a mutual decision that we needed to do
5 something to try and change this so we decided
6 together.

7 Q Okay. But it was between the two of you
8 sort of jointly that the idea of filing a lawsuit had
9 its origination; is that right?

10 A Well, I mean, yeah, yeah. Well, I mean,
11 we -- like, we talked about what our options would be
12 and obviously a lawsuit is one of those options. And
13 so, yeah, but that idea originated with us, yes.

14 Q Did you talk to Cindy or Lisa Bovee-Kemper
15 about it?

16 A Before or after?

17 Q Well, let's start with before sending in the
18 application. Did they know you were applying to
19 Miracle Hill?

20 A Yeah, they knew we were applying to Miracle
21 Hill.

22 Q And did they encourage you to do that?

23 A Yes.

24 Q Okay. And they didn't tell you that -- that
25 they knew that Miracle Hill wouldn't work with

1 Unitarian Universalists or same-sex couples?

2 A No. Like they -- like they're the ones who
3 introduced us to Currey so we -- I think we knew that
4 there was a chance, but, like, honestly I still didn't
5 feel like that was ever going to happen just because I
6 know us as parents and I guess I never had really
7 faced a whole lot of rejection in my life. So, like,
8 I think I knew it was a possibility but I didn't know
9 it was guaranteed by any means.

10 Q When did they introduce you to Currey?

11 A I don't recall.

12 Q Was it before you applied to Miracle Hill or
13 after?

14 A It was before.

15 Q And had you talked to -- talked on the phone
16 or e-mails with Currey before applying?

17 A I believe Eden did. I don't think that -- I
18 don't recall talking to him beforehand but I think
19 that Eden did.

20 Q Okay.

21 A I may have. I just don't recall for sure.

22 Q Okay. Was Currey your first point of
23 contact to the people that eventually became your
24 lawyers?

25 A Yes.

1 A Right.

2 Q So if you look, then, down at -- this will
3 be the fourth page of the PDF down at the bottom.
4 This is the one that has the identifying number Rogers
5 Welch 00052. There's a list of nine bullet-pointed
6 either other private agencies or DSS that Miracle Hill
7 offered to refer you to that might be able to assist
8 you. You never called or contacted any of those, did
9 you?

10 A No.

11 Q Okay.

12 MR. COLEMAN: I think that's all I've got.
13 No further questions from me unless somebody else
14 does.

15 MS. DUNN: None from me.

16 MS. NEWMAN: And none from me, Christie.

17 MR. RIDDLE: And I have no questions. This
18 is Jonathan.

19 MR. COLEMAN: All right. I think that's --
20 that's the end of our time together, then, this
21 morning.

22 THE COURT REPORTER: Ms. Dunn, is she going
23 to read and sign?

24 MS. DUNN: Yes, please.

25 THE COURT REPORTER: And I just need to get